

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY SMITH,)	
)	Civil Action No. 10-825
Petitioner,)	
)	District Judge Terrence F. McVerry
vs.)	
)	
GERALD ROZUM, Superintendent;)	
DISTRICT ATTORNEY OF)	
ALLEGHENY COUNTY; ATTORNEY)	
GENERAL OF THE STATE OF PA,)	
)	
Respondents.)	

MEMORANDUM ORDER

On June 17, 2010, the above captioned case was initiated by the filing of a Petition for Writ of Habeas Corpus (ECF No. 1) and was referred to a united states magistrate judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court for Magistrate Judges.

The magistrate judge filed a Report and Recommendation on January 12, 2012 (ECF No. 19) recommending that the Petition for Writ of Habeas Corpus be dismissed as untimely and that a certificate of appealability be denied. On February 23, 2012, Petitioner filed Objections to the Report and Recommendation (ECF No. 21). Petitioner's objections do not undermine the recommendation of the magistrate judge.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, and the Objections thereto, the following order is entered:

AND NOW, this 24th day of February, 2012:

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is **DISMISSED** as untimely.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 19) is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

s/ Terrence F. McVerry
United States District Judge

Anthony Smith
EN 7644
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Somerset, PA 15510-0001